

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Commercial Taxes Department - Allegations of corruption against Sri K. Giddaiah, Attender O/o DCTO, Tirupathi, Chittoor District - Acquitted in the Court of Spl. Judge for SPE & ACB Cases, Nellore -Criminal Appeal No.1423/2005 filed in the High Court of A.P. against the acquittal judgment - Dismissed by the High Court of AP., - Further action dropped and regularization of suspension period - Orders - Issued.

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REVENUE (VIGILANCE - I) DEPARTMENT

G.O.Rt.No. 1299

Dated:31-10-2011.

Read the following:-

1. Govt. Memo. No. 55512/CT.I (2)/1994 - 1, Dt.14.9.1994.
2. G.O.Ms.No. 238, Revenue (CT.I) Department, Dt.9.5.1995.
3. Judgement of the Court of Spl. Judge for SPE and ACB Cases, Nellore, dt.17.1.2005.
4. From the DG, ACB, Rc.No.104/RCT-TCT/94, Dt.9.6.2005.
5. Orders of Hon'ble AP High Court, Dt.3.3.2011.
6. From the DG, ACB, Rc.No.104/RCT-TCT/11994, Dt. 6.2011.
7. From the CCT's Ref.V3/778/2003, Dt.14.7.2011.

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O R D E R:-

It has been brought to the notice of the Government that Sri K. Giddaiah, Attender O/o Deputy Commercial Tax Officer, Tirupathi, Chittoor District and another individual were trapped by the ACB officials on 22.07.1994 in their office when they allegedly demanded and accepted a bribe of Rs.1000/- from Sri P. Dwarakanatha Reddy of M/s. Adisree Enterprises, Tirupati, Chittoor District for not conducting raids and booking cases against his firm. Based on the report of the Director General, Anti Corruption Bureau, Hyderabad, the Government requested the Commissioner of Commercial Taxes, AP, Hyderabad to place the individual under suspension vide reference 1st read above. Accordingly, he was suspended by the Deputy Commissioner (CT), Chittoor, vide his proceedings, dt.27.09.1994.

2. In the reference 2nd read above, orders were issued according sanction to the Director General, Anti Corruption Bureau, Hyderabad for prosecution of Sri K. Giddaiah, Attender, O/o. Deputy Commercial Tax Officer-I, Tirupati, Chittoor District before a court of competent jurisdiction.

3. In the reference 3rd read above, the Hon'ble Special Judge for SPE and ACB cases, Nellore found Sri K. Giddaiah, Attender O/o. Deputy Commercial Tax Officer, Tirupathi not guilty for the charge under Section 12 of PC Act, 1988 and acquitted him under Section 248(1) Cr.PC., for the said charge.

4. In the reference 4th read above, the Director General, Anti-Corruption Bureau, Hyderabad requested the Government to permit the Standing Counsel of their Bureau to file an appeal in the High Court of Andhra Pradesh. Based on the permission granted by the Government, the Standing Counsel of ACB filed Criminal Appeal No.1423 of 2005 against the acquittal judgement of the Special Judge for SPE and ACB cases, Nellore. Sri C. R. Rajendran has also filed CA No. 50/2005 against his conviction.

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5. In the reference 5th read above, the Hon'ble High Court of Andhra Pradesh, in its common judgement dt. 03.03.2011, has allowed the Criminal Appeal Nos.50 of 2005 filed by Sri C.R. Rajendran and set aside the conviction and sentence of the appellant Sri C. R. Rajendran for the offences under Sections 7 and 13 (1) (d) read with Section 13(2) of the PC Act and acquitted him from the case. The Hon'ble Court has also dismissed the Criminal Appeal No. 1423 of 2005 preferred by the State against the acquittal judgement of Sri K.Giddaiah, Attender.

6. In the reference 7th read above, the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad, while enclosing the report of the Deputy Commissioner (CT), Chittoor, in view the acquittal orders of High Court of Andhra Pradesh, has requested the Government to issue necessary instructions in the matter in respect of Sri K. Giddaiah, Attender O/o. Deputy Commercial Tax Officer, Tirupathi, to release the remaining pension and pensionary benefits, as he retired from service.

7. Government have examined the matter keeping in view the report of Director General, Anti Corruption Bureau, Hyderabad, in the reference 6th cited and orders of High Court of Andhra Pradesh, Hyderabad and after careful consideration, hereby drop further action against Sri K. Giddaiah, Attender O/o. Deputy Commercial Tax Officer, Tirupathi. The period of suspension undergone by Sri K. Giddaiah, Attender, O/o. Deputy Commercial Tax Officer, Tirupathi from 1.10.1994 to 30.06.1995 shall be regularized as "on duty" for all the purposes under FR 54-B(3).

8. The Commissioner of Commercial Taxes, AP, Hyderabad shall take necessary further action for payment of pay and allowances for the above regularized period and also to release remaining pensionary benefits entitled by the individual as per rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The individual concerned.

through the Commissioner of Commercial Taxes, AP, Hyderabad.

The Commissioner of Commercial Taxes, AP, Hyderabad.

Copy to:

The Accountant-General, Andhra Pradesh, Hyderabad.

The Director of Treasuries and Accounts, AP., Hyderabad.

The Revenue (CT-III) Department.

SF.

//Forwarded :: By Order //

SECTION OFFICER.